

REMARKS

Applicants and the undersigned thank Examiner Dang for his careful review of this application. Reconsideration of the present application in view of the following remarks is respectfully requested.

By the present communication, no claims have been amended as all claims have been maintained in their original form. Thus, claims 1-59 are pending and under active prosecution in the present application.

Applicants and the undersigned gratefully acknowledge that claims 1-7, 23-32 and 45-59 have been indicated as allowable.

AMENDMENT TO SPECIFICATION

The Office Action has objected to the Abstract, alleging the abstract does not include a concise statement of the technical disclosure of the invention. Applicants have amended the Abstract to describe the invention with greater particularity. Withdrawal of this objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102

Applicants respectfully traverse the rejection of claims 8, 9, 11, 12, 33, 34, 36, and 37 as allegedly being anticipated by Cook et al (U.S 2001/0047870; hereinafter "Cook") for at least the following reasons.

With respect to claims 8, 9, 11, 12, 33, 34, 36, and 37, the claims are drafted in means-plus-function claim language. For example, claim 8 requires "means for positioning an expansion cone within the tubular member", "means for displacing the expansion cone relative to the tubular member", and "means for hydroplaning the tubular member on the expansion cone." Each of the other claims listed above similarly requires at least one "means" for accomplishing a function.

Because the claims are drafted using "means plus function" claim language (see 35 U.S.C. §112, 6th paragraph), such language must be interpreted to read on only the

structures or materials disclosed in the specification and "equivalents thereof" that correspond to the recited function. See MPEP §2106. Put differently, when an element is claimed using language falling under the scope of 35 U.S.C. §112, 6th paragraph, the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. MPEP § 2111.01, citing *In re Donaldson*, 16 F.3d 1189 (Fed. Cir. 1994). Thus, with respect to claims 8, 9, 11, 12, 33, 34, 36, and 37, the specification must be examined to determine what means are disclosed. Applicants respectfully request that the Examiner reconsider the above noted rejected claims in view of the structures disclosed within the specification.

OBJECTIONS

Applicants gratefully acknowledge that claims 10, 13-22, 35 and 38-44, while objected to as depending from a rejected base claim, have been indicated as allowable if amended to include all elements of the base claims. In view of the above arguments, Applicants will not amend the claims at this time.

CONCLUSION

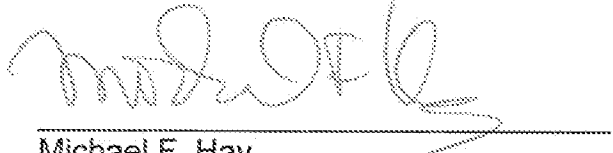
The foregoing is submitted as a full and complete Response to the Non-Final Office Action mailed April 9, 2007. Applicants have made a diligent effort to advance the prosecution of the application by submitting arguments in support of the patentability of the claims and have made the required amendment to the specification. Applicants has not acquiesced to any rejection and reserve the right to address the patentability of any additional claim features in the future. In view of the above, reconsideration of the rejection and allowance of claims 1-59 is respectfully requested.

As the three-month statutory period for reply expires on July 9, 2007, this Response is therefore considered timely filed and no fees are believed to be due. However, should the Commissioner deem any fees as being due, including any fees for any extensions of time, the Commissioner is hereby authorized to debit said fees from,

or to credit any overpayments to, USPTO Deposit Account Number 50-3786, Reference No. 14147.105090.

The Examiner is invited to contact the undersigned via telephone at the number listed below if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Michael F. Hay', is written over a horizontal line.

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